

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

LOUIS ORTEGA, AND LEE BENSON,

Defendants.

8:16CR77

ORDER

Defendant Benson has moved to continue the pretrial motion deadline, (filing no. 44), because the defendant is receiving drug treatment and he, along with his counsel, need additional time to fully review the discovery received before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Benson's motion to continue, (filing no. 44), is granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before August 15, 2016.
- 3) **As to both defendants**, trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and
 - a. **As to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and August 15, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).
 - b. Failing to timely file an objection to this order as provided in the local rules of this court will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

June 13, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge